

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4306 OF 2005**

Rajesh Shamlal Kukreja

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. H.A. Solkar for the Applicant.

Ms M.M. Deshmukh A.P.P. for the Respondent.

**CORAM : A.S.OKA, J.
DATED : JULY 18, 2005.**

P.C.:

1. Heard learned Counsel appearing for the Applicant and learned A.P.P. for the State. The offences alleged against the Applicant and the co-accused are under sections 326, 323 read with section 34 of the Indian Penal Code. The learned Counsel for the Applicant has brought to my notice that the Applicant was himself injured and was admitted in Sion Hospital at Mumbai. He submitted that infact the Applicant himself is the victim and another F.I.R. has been registered at his instance. He pointed out that the Applicant has a stab wound in his abdomen. He submitted that custodial interrogation of the Applicant is not required as the remand report in submitted by Police indicate that the weapon used in the offence was recovered from the spot of incident.

2. The offence is of serious nature and there are criminal antecedents of the Applicant and therefore, he cannot be enlarged on anticipatory bail. On

instructions of the Investigating Officer, the learned A.P.P. stated that the Applicant was hospitalised only for five to six days and he is already discharged from the hospital.

3. Perusal of the papers of the investigation show that the allegation against the Applicant is of very serious nature. The allegation is regarding the assault on the head of one Deepak by a chopper and the said Deepak has suffered grievous injuries. In my view, considering the seriousness of allegation and the gravity of offence, this is not a case where it can be said that custodial interrogation of the Applicant is not required. Now the Applicant has been discharged from the hospital. Hence, no case is made out for grant of Anticipatory Bail. Application is rejected.

JUDGE